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GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA CA 90404

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of :
Fong :
Application No. 10/776,145 : DECISION
Filed/Deposited: 10 February, 2004 :
Attorney Docket No. :
75144-011900/18291US01

This is a decision on the petition filed on 1 December, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

As noted herein, the Revocation/Power of Attorney submitted on 24 October, 2007, was not entered. As discussed below, it appears that the reason for non-entry was that the paper submitted in lieu of a Certificate pursuant to 37 C.F.R. §3.73(b) was insufficient in that it failed to satisfy the requirements of the regulation as discussed at MPEP §324, which provides in pertinent part:

***

The assignee's ownership may be established under 37 C.F.R. §3.73(b) by submitting to the Office, in the Office file related to the matter in which action is sought to be taken:

(A) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is, submitted for recordation pursuant to 37 C.F.R. §3.11; or

(B) a statement specifying, by reel and frame number, where such evidence is recorded in the Office.

***

As a result, the record does not reflect that Petitioner herein was properly empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding

this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

The petition under 37 C.F.R. §1.181 is **DISMISSED**.

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.181 to Withdraw the Holding of Abandonment."

Petitioner's alternative is to file a petition pursuant to 37 C.F.R. §1.137(b) with fee, reply and statement of unintentional delay, as discussed below.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181.

Petitioner appears not to satisfy—or to be able to satisfy—the showing requirements set forth in the guidance in the Commentary at MPEP §711.03(c)(I).

For reference: Petitioner's attentions are directed to the guidance set forth in the Commentary at MPEP §711.03(c)(I)—and with particularity to the requirements therein including statements of non-receipt at the address of record, search and non-discovery, with a description of docketing system and a statement of its reliability, and support for those the statements with copies of the docket record/file jacket cover and due date calendar/docket. (The requirements of the regulations at 37 C.F.R. §1.181 further require that a Petitioner seek relief within two (2) months of the act complained of.)

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action (copy enclosed) mailed on 20 March, 2008, with reply due absent extension of time on or before 20 June, 2008.

The application went abandoned by operation of law after midnight 20 June, 2008.

The Office mailed the Notice of Abandonment on 1 October, 2008.

On 1 December, 2008, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 seeking withdrawal of the holding of abandonment and indicating the basis of his averment the non-receipt of the final Office action and averring that notwithstanding a Revocation/Power of Attorney that was filed on 24 October, 2007, the Office mailed the 20 March, 2008, final Office action nonetheless to the prior Counsel. That result occurred, it appears, because Petitioner failed to satisfy the requirements of the submission of the Revocation/Power of Attorney, which include satisfaction of the requirements of 37 C.F.R. §3.73(b), which provide in pertinent part:

***

37 CFR 3.73. Establishing right of assignee to take action.

(a) The inventor is presumed to be the owner of a patent application, and any patent that may issue therefrom, unless there is an assignment. The original applicant is presumed to be the owner of a trademark application or registration, unless there is an assignment.

(b)(1) In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:

(i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). For trademark matters only, the documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office. For patent matters only, the submission of the documentary evidence must be accompanied by a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or

(ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

(2) The submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:

(i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or

(ii) Being signed by a person having apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.

(c) For patent matters only:

(1) Establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted.

(2) If the submission under this section is by an assignee of less than the entire right, title and interest, such assignee must indicate the extent (by percentage) of its ownership interest, or the Office may refuse to accept the submission as an establishment of ownership.

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Thus, from the appearance of the paper submitted in lieu of a formal Certificate pursuant to 37 C.F.R. §3.73(b), there is no specification of chain of title or of reel/frame recordation data.

Thus, Petitioner failed to satisfy the requirements set forth in the guidance in the Commentary at MPEP §711.03(c)(I) to satisfy the mandated showings pursuant to 37 C.F.R. §1.181:

***

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[1]

[1] *See*: MPEP §711.03(c) (I)(A).

***

Petitioner provides fragmentary pages of an amendment submitted on 17 December, 2007, containing Petitioner's address, rather than that of former Counsel, as Petitioner's demonstration that he informed the Office of the proper correspondence address. However, Petitioner, as one registered to practice before the Office is aware that necessary information such as a change of address may not be buried in another paper, but rather must be submitted as a separate paper.[2] Moreover, a revocation/power of attorney with a proper Certificate pursuant to 37 C.F.R. §3.73(b), and not a simple change of address, was required here

(It is noted that a proper reply to the final Office action will not be a proper reply to the outstanding final Office action. Petitioner, as one registered to practice before the Office, knows that an amendment is not as of right and not a proper reply[3] to a final Office action if it does not *prima facie* place the application in condition for allowance. A request for continued examination (RCE) and fee and a submission under the provisions of 37 C.F.R. §1.114 is one of the possible proper replies herein.)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[4]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

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2 *See*: 37 C.F.R. §1.4(c).

3 A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

4 See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See:
http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile:
(571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

cc:
MCANDREWS HELD & MALLOY LTD.
500 WEST MADISON STREET/34TH FLOOR
CHICAGO, IL 60661

[5] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,145	02/10/2004	Colin Fong	75144-011900	3110

33717 7590 03/20/2008

GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

EXAMINER	
OMOTOSHO, EMMANUEL	
ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
03/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Colin Fong	75144-011900	3110

SANTA MONICA, CA 90404

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450

Office Action Summary	Application No.	Applicant(s)	
	10/776,145	FONG, COLIN	
	Examiner	Art Unit	
	EMMANUEL OMOTOSHO	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-32,40-45 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0119581 to Cannon et al. "Cannon".

3. Claim 1,14,19,21,22,24,44, : Cannon teaches a gaming machine system which includes a system controller; a plurality of gaming machines linked to the system controller (fig 3), each gaming machine having a first display and a game controller arranged to control images of symbols displayed on the first display (fig 3-4), the game controller being arranged to play a game wherein at least one random event is caused to be displayed on the first display (fig 4) and, if a predefined winning event occurs, the machine awards a prize (par 34,48); a second display; and a feature game where, during play of the feature, feature images associated with the feature game are displayed on the second display (fig 4); and a remote display to which each of the gaming machines is connected, the remote display being visible to a player playing any one of the gaming machines connected to the remote display (par 46, 53), at least certain of the feature images occurring on the second display of a said. gaming machine

during the playing of the feature game on that gaming machine cooperating with at least certain different feature images displayed with a different representation (i.e. larger) on the remote display to communicate a feature an outcome of the feature game on the gaming machine (par 46, 53, i.e. the game images of the bonus game is sent to the remote display), wherein there are a plurality of different outcomes possible from the feature game and feature images displayed on the remote display during play of the feature game represent that there are a plurality of possible outcomes of the feature game (par 49 and 54), and wherein the determination of a feature outcome for one of the gaming machines affects a subsequent determination of a feature outcome for another one of the gaming machines (par 60 i.e. the system can eliminate an award outcome from the bonus game once a player achieves that outcome and par 74, i.e. a players success outcome of the previous game affects the player's progress in the subsequent game).

4. Claim 2,23: in which a predetermined trigger condition, triggered by one of the game controller and the system controller, occurring during playing of a base game on any one of the gaming machines causes the feature game to commence, the trigger condition being configured so that, when it occurs on any one of the gaming machines, all active gaming machines enter the feature game, wherein the feature outcome for each of the gaming machines is dependent on both a selection made by a player during play of the feature game and any earlier determinations of a feature outcome on another one of the active gaming machines (par 48, 49, par 60).

5. Claim 3: in which the feature game is an ongoing feature where, whenever a trigger condition, triggered by one of the game controller and the system controller, occurs on any one gaming machine to trigger the feature game, the feature game is played on that gaming machine, including the display of the feature images on the second display and the display of the at least certain different feature images on the remote display, any other gaming machines continuing with their respective games until the feature game is triggered on said any other gaming machines (par 69, i.e. stand alone machine).

6. Claim 4 : wherein when the feature game is initiated, an initial display on the first display of the gaming machine includes icons relating to the feature images on the second display of that gaming machine the icons being selectable by the player to directly affect both the content of the feature images on the second display and the at least certain different feature images on the remote display (fig 4,5).

7. Claim 5,15: in which each gaming machine includes a selector operable by a player of the feature game to enable the player to make at least one selection associated with the feature game, the selection affecting which one of the plurality of different outcomes occurs in the feature game, and wherein the same selections are available at each of the gaming machines when the feature game is played and wherein a prize associated with a said selection is awarded at the first gaming machine to provide the feature game and have the selector operated to select that selection (par 56, 58).

8. Claim 6,29: in which the feature game involves playing for prizes associated with the remote display, wherein the selection directly affects which one of a plurality of possible prizes is awarded and wherein after prize has been won from a particular selection, the prize subsequently associated with that same selection is determined according to a random selection process (par 57 and par 60).

9. Claim 7,30: in which representations of the prizes are arranged, at least initially, in a concealed condition on the remote display and wherein the selection by the player is a selection of a said prize that is in a concealed condition, the selection of that prize resulting in the prize being revealed and awarded (par 57, i.e. bonus markers are invisible and visible when a player selects the location).

10. Claim 8,31: in which prizes are associated with predetermined, hidden places on a representation of a location displayed on the remote display (par 57).

11. Claim 9: in which the images appearing at least on the first display of each participating gaming machine are synchronized with the images appearing on the remote display (par 46).

12. Claim 10,32: in which a representation of the location similar to that displayed on the remote display is displayed on the first display and the player, using the selector, selects a position on the representation of the location which the player believes will result in a prize winning outcome of the feature game (par 46, 53.57).

13.

14. Claim 11: in which one of the game controller and the system controller causes a prize to be replaced whenever any prize is revealed during playing of the feature game (par 60, i.e. prizes regenerated once awarded to player).

15. Claim 12: in which the feature game comprises a fixed set of prizes (par 58,59).

16. Claim 13: in which the fixed set of prizes includes progressive jackpot prizes (par 58).

17. Claim 16: in which the selector is a touch-screen facility of the first display (par 50).

18. Claim 17: which includes a cabinet in which the first display is mounted (fig 4).

19. Claim 18: which includes a top box mounted on the cabinet, the second display being mounted in the top box (fig 4).

20. Claim 20: in which the base game preceding the feature game is a spinning reel game (fig 4).

21. Claim 25: in which the system controller randomly selects a number representative of a monetary amount falling in a fixed range between a lower value and an upper value of a progressive jackpot and when the progressive jackpot value is incremented to that value by one of the linked gaming machines, the feature game is initiated by the system controller and all gaming machines of the system being played at that time commence the feature game (par 51).

22. Claim 26: which includes setting other conditions with which a player must comply in order to be eligible to participate in the feature game (par 49).

23. Claim 27: in which the feature game is an ongoing feature where, whenever a trigger condition occurs on any one gaming machine to trigger the feature game, the feature game commences on that gaming machine, any other gaming machines continuing with the base game until the feature game is triggered on said any other gaming machines (par 49,50).

24. Claim 28: which includes displaying on the second display of each gaming machine a plurality of feature images and, when the trigger condition occurs in the base game and the feature game is initiated, displaying as an initial display on the first display of the gaming machine icons relating to the feature images on the second display of that gaming machine (fig 4).

25. Claim 40:A gaming machine system which includes a plurality of gaming machines including a first display and a second display and includes a remote display common to the plurality of gaming machines (fig 4,par 46), each gaming machine providing a base game that is played according to a random selection process (abstract), the base game involving the award of a prize on the occurrence of a winning event during play of the base game (par 34), each gaming machine further providing a feature game that is common to the plurality of gaming machines (abstract), wherein during play of the feature game on a said gaming machine: images are caused to be displayed on the primary game representing a plurality of choices available to a player in the feature game (par 50), the gaming machine including a selector allowing the player to select one of the plurality of choices (par 55,56); following selection of one of the plurality of choices, a sequence of images is displayed on the first display that

represent the result of the selection made using the selector (par 56, fig 4), the sequence of images representing that the selection affects the outcome of the feature game (par 56, fig 4, i.e. the movement of each player affects the outcome of the play), at least a portion of the sequence of images displayed on the first display is duplicated on the remote display (par 46), and the second display shows an enlarged representation of at least a portion of the sequence of images displayed on the first display (par 46, i.e. remote display is the same as the second display).

26. Claim 41: wherein during play of the feature game on the gaming machine images are caused to be displayed on the first display representing a second plurality of choices available to a player in the feature game, the gaming machine including a selector allowing the player to select one of the plurality of choices, wherein the second plurality of choices are customizations of the sequence of images on at least one of the displays that do not have an effect on, and are not represented as affecting, the outcome of the feature game (par 50, 54, 56, i.e. once the player qualifies, the player is sent a message to activate the bonus game. Once activated, allows the player to select one of the play markers which customizes the appearance of the player as s/he moves through the game. The type of marker selected as no effect on the outcome of the game).

27. Claim 42: wherein the images displayed on the remote display include a plurality of concealed prizes each arranged on the display in different locations, wherein the selector allows a player to select a said location and the same said locations are selectable using the selector of any of the plurality of gaming machines when that

gaming machine is providing the feature game, and wherein after a location has been selected and a prize awarded as part of the feature game associated with that selection, then a prize subsequently awarded as part of the feature game associated with the same selection is determined according to a random selection process (par 57,60).

28. Claim 43: wherein a plurality of the gaming machines can simultaneously provide the feature game and wherein when there is simultaneous provision of the feature game on a plurality of the gaming machines, the remote display simultaneously displays distinct representations associated with each gaming machine providing the feature game (fig 4, par 56).

29. Claim 45: wherein the representations of the feature game that are simultaneously displayed on the remote display comprise representations of a character (fig 4, par 56).

30.

Claim Rejections - 35 USC § 103

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

32. Claims 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon.

33. Claim 33: Cannon teaches all the present invention as shown above but fail to teach displaying the movement of the player icon on the first display.

34. Cannon teaches displaying a scene on the second display (fig 4) representative of the selected icon moving towards the location (fig 4, i.e. icon moving towards the bonus marker) which is displayed on the remote display (par 46)

35. However, further displaying this same information on another display device such as the first display is a matter of design choice. It has been shown above that an ordinary skilled artisan is capable of displaying game information on a display device. Choosing which display device to display the information is a matter of an obvious design choice well within the skill level of an ordinary skilled in the art.

36. Claim 34: which includes displaying a representation of the selected icon arriving at the selected position at the location and revealing the representation of the prize (par 55,56, fig 4).

37. Claim 35: which includes selecting the prize from a fixed set of prizes randomly distributed by one of the game controller and the system controller at the positions of the location (par 51).

38. Claim 36: which includes replacing a prize whenever any prize is revealed during playing of the feature game (par 60).

39. Claim 37: which includes, whenever any prize is revealed, replacing a prize of the same value as the revealed prize at the location but at a different position and, once again, hidden from view (par 60, par 57).

40. Claim 38: Cannon fail to teach once a selection of a prize has been made, again randomly distributing all outcomes over all the positions of the location.

41. Cannon teaches using a random system to randomly distribute bonus awards (par 60).

42. It would have been obvious to one of ordinary skilled in the art at the time of the invention to randomly re distribute bonus awards anytime a player wins an award. This would provide a more exciting by adding more suspense to the game.

43. Claim 39: which includes randomly shuffling the set of prizes so that the next outcome is selected from a new distribution of prizes about the positions of the location (par 60).

44. Claims 40-45 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon.

45. Claim 40:Cannon teaches a gaming machine system which includes a plurality of gaming machines including a first display and a second display and includes a remote display common to the plurality of gaming machines (fig 4,par 46), each gaming machine providing a base game that is played according to a random selection process (abstract), the base game involving the award of a prize on the occurrence of a winning event during play of the base game (par 34), each gaming machine further providing a feature game that is common to the plurality of gaming machines (abstract), wherein during play of the feature game on a said gaming machine: images are caused to be displayed on the primary game representing a plurality of choices available to a player in the feature game (par 50), the gaming machine including a selector allowing the player to select one of the plurality of choices (par 55,56); following selection of one of the plurality of choices, a sequence of images is displayed on the first display that

represent the result of the selection made using the selector (par 56, fig 4), the sequence of images representing that the selection affects the outcome of the feature game (par 56, fig 4, i.e. the movement of each player affects the outcome of the play), at least a portion of the sequence of images displayed on the first display is duplicated on the remote display (par 46)

46. Cannon fail to teach a second display that shows an enlarged representation of at least a portion of the sequence of images displayed on the first display.

47. However, Cannon teaches displaying the at least a portion of the sequence of images displayed on a large remote display offering an enlarged representation of said images (par 46).

48. It would have been obvious to one of ordinary skilled in the art to have a first display that shows an enlarged representation of at least a portion of the sequence of images displayed on the first display.

49. Claim 41: Cannon teaches wherein during play of the feature game on the gaming machine images are caused to be displayed on the first display representing a second plurality of choices available to a player in the feature game, the gaming machine including a selector allowing the player to select one of the plurality of choices, wherein the second plurality of choices are customizations of the sequence of images on at least one of the displays that do not have an effect on, and are not represented as affecting, the outcome of the feature game (par 50, 54, 56, i.e. once the player qualifies, the player is sent a message to activate the bonus game. Once activated, allows the player to select one of the play markers which customizes the appearance of the player

as s/he moves through the game. The type of marker selected as no effect on the outcome of the game).

50. Claim 42: wherein the images displayed on the remote display include a plurality of concealed prizes each arranged on the display in different locations, wherein the selector allows a player to select a said location and the same said locations are selectable using the selector of any of the plurality of gaming machines when that gaming machine is providing the feature game, and wherein after a location has been selected and a prize awarded as part of the feature game associated with that selection, then a prize subsequently awarded as part of the feature game associated with the same selection is determined according to a random selection process (par 57,60).

51. Claim 43: wherein a plurality of the gaming machines can simultaneously provide the feature game and wherein when there is simultaneous provision of the feature game on a plurality of the gaming machines, the remote display simultaneously displays distinct representations associated with each gaming machine providing the feature game (fig 4, par 56).

52. Claim 45: wherein the representations of the feature game that are simultaneously displayed on the remote display comprise representations of a character (fig 4, par 56).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMMANUEL OMOTOSHO whose telephone number is (571)272-3106. The examiner can normally be reached on m-f 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO

/Ronald Laneau/
Supervisory Patent Examiner, Art Unit 3714
03/13/08